

REMARKS

The Examiner rejects claims 1-7 in the subject application. Applicant adds claim 8 in this Response. Claims 1-8 (3 independent claim; 8 total claims) remain pending in the application.

Support for the various amendments may be found in the originally filed specification, claims, and figures. For example, support for the addition of new claim 8 can be found at page 13 (line 21) to page 14 (line 3) of the application as filed (or paragraphs [0059] and [0060] of the application as published). No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

35 U.S.C. § 102 REJECTIONS

The Examiner rejects claims 1-7 under 35 U.S.C. §102(e) as allegedly being anticipated by Hunter (U.S. Patent No. 6,647,417, issued November 11, 2003, assignee is World Theatre, Inc.). Applicant respectfully traverses the rejection.

Hunter discloses a music distribution system. Hunter recognizes the need to detect and fix data losses at the receiver. Indeed, Hunter repairs a data loss by replacing an occasional packet, where the receiver asks for a copy of the packet via an Internet, modem phone connection, or satellite.¹

But Hunter fails to teach, advise, or suggest "a synthesis section for, when the communication section cannot receive the second data unit in accordance with the communication condition, outputting the first data unit as a first output data unit, and when the communication section can receive the second data unit in accordance with the communication condition, synthesizing the first data unit and the second data unit so as to generate a synthesis data unit and outputting the synthesis data unit as a second output data unit" as recited in claims 1, 7, and 8 (and claims 2-6, which variously depend from claim 1) (emphasis added).

First, Hunter does not take action when there are no bit losses (e.g., "when the communication section can receive the second data unit in accordance with the communication condition"). In other words, Hunter fails to take action whether or not

¹ Hunter, column 14, line 53 to column 15, line 5.

there are bit losses, only if there are bit losses. Consequently, Hunter fails to teach, advise, or suggest "when the communication section can receive the second data unit in accordance with the communication condition, synthesizing the first data unit and the second data unit so as to generate a synthesis data unit and outputting the synthesis data unit as a second output data unit" as recited in claims 1, 7, and 8 (emphasis added).

Second, Hunter merely replaces an occasional packet of data, but does not synthesize a first packet (the alleged first data unit) and the replacement packet (the alleged second data unit) to generate a synthesis data unit and output the synthesis data unit as a second output data unit. Indeed, there is no synthesis data unit (of the first and replacement packets) in Hunter, because there is no synthesizing. Put another way, instead of synthesizing the first and replacement packets of data to generate a third synthesized data unit, Hunter replaces the missing data packet (but with no synthesis of the two data packets).

To the extent applicable, Hunter also fails to teach, advise, or suggest "the first data unit and the second data unit originates from a common hierarchy-encoded data unit" as recited in new claim 8.

Thus, Hunter fails to teach, advise, or suggest one or more of the claimed elements, so that claims 1-8 are patentable over Hunter.

CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application is thus requested. Applicant invites the Office to telephone the undersigned if he or she has any questions whatsoever regarding this Response or the present application in general.

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Respectfully submitted,

By: S. Shahpar
Shahpar Shahpar
Reg. No. 45,875

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202
Phone: (602) 382-6306
Fax: (602) 382-6070
Email: sshahpar@swlaw.com